

1 Q Okay. Just the way it is spelled. Isn't it true,
2 Mr. Warshaw that Mr. Guill expressed concern about the
3 Pomona translator to you?

4 A He wanted to know whether you could hear Pomona.
5 I don't know if he expressed concern or not. But he
6 suggested that we try to find out, or that he find out or
7 something, whether or not you could hear Pomona.

8 Q All right. But it is also true, Mr. Warshaw, that
9 you did not authorize them to conduct any investigation of
10 the Pomona translator. Isn't that right?

11 A I don't recall doing so. No.

12 Q Would you disagree if Mr. LaFollette had testified
13 that they were not authorized to go and investigate the
14 Pomona translator?

15 A Yeah. I don't think they were authorized. I
16 don't think they asked for authorization.

17 Q You agree, though, that they suggested to you that
18 an assessment be made of the Pomona translator?

19 A Yeah. Yeah.

20 Q Is it correct that neither the engineers from
21 Cohen, Dippell & Everist, nor any other engineers or
22 investigating parties, were sent by you or authorized by you
23 to go investigate the Pomona translator on your behalf?

24 A Right.

25 Q Or on behalf of Universal?

1 A Right.

2 Q Was it your understanding that the engineers from
3 Cohen, Dippell & Everist wanted or suggested an assessment
4 of the Pomona translator in order to determine whether it
5 was receiving Jukebox Radio programming off the air from the
6 Monticello station? And in turn, whether the Ft. Lee
7 translator was receiving Jukebox Radio programming off the
8 air from the Pomona translator?

9 A My recollection is that they did not make a big
10 deal over it. I think they might have even suggested that
11 we try to find out on our own, but they did not say, "Well,
12 we have to go out there." They were finished for the day
13 when they left.

14 Q I understand. But my question is, Mr. Warshaw,
15 the general purpose of the assessment of the Pomona
16 translator was to make that kind of determination?

17 A I didn't hire them to make an assessment of the
18 Pomona translator.

19 Q I understand that. But they made a recommendation
20 to you or suggested to you, that an assessment be made of
21 the Pomona translator. Correct?

22 A Yeah.

23 Q Assuming a suggested assessment was not pure
24 fantasy, there was some purpose behind it. Correct?

25 A Yeah.

1 Q Wasn't the purpose behind a suggested assessment
2 of the Pomona translator what I just described?

3 A You're suggesting that I knew what they meant when
4 they suggested they tested it?

5 Q Yes.

6 A No. I don't know what they had in mind.

7 Q Nonetheless, you did not undertake through them,
8 or anybody else, any kind of investigation of the Pomona
9 translator?

10 A No.

11 Q That remains the case to this day. Is that
12 correct, Mr. Warshaw?

13 A Yep.

14 Q Mr. Warshaw, you know William Gaghan. Don't you,
15 sir?

16 A William?

17 Q Gaghan.

18 A Bill Gaghan. Sure.

19 Q Mr. Gaghan came to be employed at WVNJ in early
20 June of 1995. Isn't that correct?

21 A Well, I'll have to take your word for it. I don't
22 remember exactly when.

23 Q You do not disagree with that, do you, sir?

24 A No. I don't agree with it either.

25 Q Fair enough. Is it your understanding, though,

1 that --

2 A He came to work for us.

3 Q He came to work at WVNJ. Isn't it your
4 understanding that he had been working at Jukebox Radio
5 right before? In fact, he left Jukebox Radio to come and
6 work at WVNJ?

7 A I'm not sure about whether there's a gap or not.
8 But he had been there very recently.

9 Q Okay. Maybe he took a little time off in between
10 jobs, but is it your understanding his previous employment,
11 before came to WVNJ, was in fact --

12 A His immediately previously employment was with
13 W --

14 Q Jukebox Radio?

15 A No. It wasn't with Jukebox Radio. It was with
16 Jukebox Radio studio at --

17 Q He had been down at the Dumont studio --

18 A Dumont programming studio. W2 -- I mean, he was
19 not employed by the Mountaintop station, was he? So, that
20 he wasn't --

21 Q Let me try again. Mr. Warshaw, I do not want to
22 argue with you, sir.

23 JUDGE STEINBERG: Let me interrupt. Jukebox Radio
24 is the Dumont studio.

25 THE WITNESS: Jukebox programming comes from

1 the -- that's what I said.

2 JUDGE STEINBERG: But that is what we have been
3 calling Jukebox Radio.

4 THE WITNESS: Oh. What do we call the one on the
5 Mountain?

6 JUDGE STEINBERG: The one on the Mountain is WJUX.

7 MR. NAFTALIN: Or Monticello station or something
8 like that.

9 JUDGE STEINBERG: It is confusing.

10 THE WITNESS: Yeah, especially when you're used to
11 thinking of it completely differently.

12 JUDGE STEINBERG: Right.

13 MR. NAFTALIN: Can I try again?

14 JUDGE STEINBERG: Yes.

15 MR. NAFTALIN: Okay.

16 JUDGE STEINBERG: Let's just calm down, and
17 everybody take a deep breath and not get mad at each other.

18 MR. NAFTALIN: Sure. Absolutely.

19 JUDGE STEINBERG: Let me just say, if you need to
20 take a break, anybody, let me know, and we will take a
21 break.

22 MR. NAFTALIN: I really do not want to have any
23 argument at all with you, Mr. Warshaw. I just want to --

24 THE WITNESS: I'm sorry. I'm the one that's
25 argumentative.

1 MR. NAFTALIN: You are probably in very good
2 company, sir.

3 BY MR. NAFTALIN:

4 Q Isn't it your understanding that Mr. Gaghan's
5 employment, immediately prior to taking employment with --

6 A Yes.

7 Q -- WVNJ was at the Dumont studio?

8 A Yes.

9 Q Thank you.

10 JUDGE STEINBERG: I think we ought to use the
11 terminology that is goes along with Mr. Warshaw's
12 terminology.

13 MR. NAFTALIN: Okay.

14 JUDGE STEINBERG: Let's use the Dumont studio,
15 instead of Jukebox Radio.

16 MR. NAFTALIN: It's a deal.

17 JUDGE STEINBERG: And Monticello station or WJUX.
18 What we want to do is make Mr. Warshaw as comfortable as
19 possible with the terminology. I would rather have us
20 adjust, then Mr. Warshaw.

21 MR. NAFTALIN: I agree completely. If we refer to
22 the Dumont studio, we will talk about, not only the location
23 of that production studio, but that it is a place where
24 Jukebox Radio does its thing.

25 THE WITNESS: Okay.

1 JUDGE STEINBERG: Does that make sense to you?

2 THE WITNESS: Yeah.

3 BY MR. NAFTALIN:

4 Q Mr. Gaghan has been employed at WVNJ from when he
5 started through the present. Isn't that right?

6 A Mr. Gaghan -- When we hired him?

7 Q Yes.

8 A At that point, yes. He is still employed by us.
9 And he has been consecutively.

10 Q Thank you. Isn't it also true, Mr. Warshaw, that
11 Vincent Luna is employed at WVNJ?

12 A It is true.

13 Q Is it your recollection, sir, that Mr. Luna
14 started his employment at WVNJ approximately early August
15 1995?

16 A I don't remember when he started.

17 Q Is that consistent with your memory?

18 A I'm willing to concede that he started then.

19 Q Okay.

20 A I don't remember the date.

21 Q From whatever date Mr. Luna started his
22 employment, he has remained continuously employed at WVNJ
23 through the present?

24 A No. He was ill for quite some time, during which
25 he was not employed by us.

1 Q Okay.

2 A But after he became well enough to work, he came
3 back.

4 Q Is it your understanding, Mr. Warshaw, that Mr.
5 Luna had been employed at the Dumont studio at some point
6 before he first came to WVNJ?

7 A Yes.

8 Q So, Mr. Gaghan started employment at WVNJ before
9 Mr. Luna did. Is that correct?

10 A Yes.

11 Q Was Mr. Luna someone who was known to Mr. Gaghan?

12 A To my understanding, he was.

13 Q Mr. Warshaw, are you aware that Mr. Luna executed
14 a statement on August 9, 1995? Do you know -- Let me just
15 show it to you, to avoid confusion.

16 A Yeah. This looks familiar. Do you want me to
17 read it?

18 Q No, no, no. Hang on a second.

19 JUDGE STEINBERG: Let me just for the record,
20 state that what Mr. Warshaw is looking at Mass Media Bureau
21 Exhibit 14, Pages 238 and 239.

22 MR. NAFTALIN: Thank you, Your Honor.

23 BY MR. NAFTALIN:

24 Q In front of you, Mr. Warshaw is a statement dated
25 August 9, 1995 on the second page of which appears to be Mr.

1 Vincent Luna's signature. Are you generally aware of that
2 statement?

3 A Yes.

4 Q Is part of the next Mass Media Bureau Exhibit, Mr.
5 Warsaw, which I have marked with a paper towel, you will see
6 a statement dated August 10, 1995.

7 A Uh-huh.

8 Q On the second page of that statement that appears
9 Mr. Gaghan has signed it. Are you generally aware of the
10 August 10, 1995 --

11 A Yes.

12 Q -- statement executed by Mr. Gaghan?

13 A Yeah, I'm aware of it.

14 JUDGE STEINBERG: Let me just point for the record
15 what Mr. Warshaw is looking at Mass Media Bureau Exhibit 15,
16 Pages 248 and 249.

17 MR. NAFTALIN: Thank you.

18 BY MR. NAFTALIN:

19 Q Is it true that you asked Mr. Gaghan to write a
20 statement about some of his experiences at the Dumont
21 studio?

22 A Yes.

23 Q Isn't it also true that the statement you asked
24 him to write resulted in the August 10, 1995 statement in
25 front of you?

1 A Yes.

2 Q Thank you. Isn't it also true, Mr. Warshaw, that
3 you at least made some suggestions to Mr. Gaghan about the
4 contents of his August 10, 1995 statement?

5 A I made one suggestion.

6 Q Was that a suggestion about the penalty of perjury
7 language, Mr. Warshaw?

8 A Beside that one.

9 Q Okay.

10 A I suggested that he write down this thing about
11 using the two different wires. And after that, he was on
12 his own.

13 Q Is it safe to say you recall giving Mr. Gaghan two
14 suggestions about the contents of his statement? One
15 suggestion being the language about under penalty of
16 perjury, and the other one concerning a two-line business or
17 a switch business? Is that correct?

18 A Yes.

19 Q Is it also true, Mr. Warshaw, that you asked Mr.
20 Gaghan to ask Mr. Luna to write a statement?

21 A Yes.

22 Q And to the best of your understanding, is it
23 correct that the August 9, 1995 statement, which is in front
24 of you of Mr. Luna, resulted from your request to Mr. Gaghan
25 to ask Mr. Luna to write a statement?

1 A Yes.

2 Q Thank you. To the best of your understanding, Mr.
3 Warshaw, at the time Mr. Luna was writing his statement
4 which became the August 9, 1995 statement, Mr. Luna was
5 aware or knew that Mr. Gaghan was also writing a statement?

6 A I believe, yeah.

7 Q Do you agree, Mr. Warshaw, that both Mr. Luna and
8 Mr. Gaghan wrote their respective statements at
9 approximately the same time?

10 A Yeah.

11 Q You said just a moment ago, sir, that you
12 suggested to Mr. Gaghan that he include two pieces of
13 language we mentioned a moment ago. Did you also ask Mr.
14 Gaghan to pass on similar content for Mr. Luna to include in
15 his statement?

16 A I may have. I don't have any specific
17 recollection of doing so.

18 Q Okay. To the best of your recollection, Mr.
19 Warshaw, there was only a fairly short passage of time
20 between the time you asked Mr. Gaghan to write his statement
21 and asked Mr. Gaghan to get Mr. Luna to write his statement,
22 and the actual production of the two statements?

23 A Yeah.

24 Q Isn't it also true, Mr. Warshaw, at the time your
25 secretary's name was Edith Zecca. Is that correct?

1 A Yes.

2 Q Z-E-C-C-A?

3 A That's correct.

4 Q Isn't it true that you made the services of your
5 secretary, Edith Zecca, available to both Mr. Luna and Mr.
6 Gaghan to type and notarize both of their statements?

7 A Yes.

8 Q It is true that Ms. Zecca, in fact, typed and
9 notarized both Mr. Luna's August 9, 1995 statement and Mr.
10 Gaghan's August 10, 1995 statement?

11 A I don't recall if she did both. We had someone
12 else around that also could notarize, as well. But if she
13 did them both -- It's possible.

14 Q Is it safe to say that a secretary or secretaries
15 in your employment assisted both gentlemen in producing
16 their statement?

17 A Yes.

18 Q We can see on the statement themselves that Ms.
19 Zecca, indeed, notarized both statements.

20 A Yes. But my memory's very short, though.

21 Q After the August 9, 1995 statement of Mr. Luna was
22 signed and the August 10, 1995 statement of Mr. Gaghan was
23 signed, you were provided with the originals of both
24 statements, weren't you, sir? Or they came under your
25 control?

1 A Yes.

2 Q Isn't it true that shortly thereafter, you
3 forwarded the originals of Mr. Luna and Mr. Gaghan's
4 statements to your FCC counsel for use at the FCC against --

5 A That's correct.

6 Q Let me finish.

7 A I thought you were finished.

8 Q I fool people all the time.

9 A Don't stop. I'm dangerous.

10 Q Isn't it true you forwarded the originals of the
11 two statements to your counsel, so your counsel could use
12 them in forwarding your interests against Jukebox radio?

13 A Yes.

14 Q To your knowledge, Mr. Warshaw, isn't it true that
15 Mr. Luna and Mr. Gaghan understood that you planned to make
16 use of their statements in proceeding against Mr. Turro
17 before the FCC?

18 A Yes.

19 Q We are almost at the end of this, Mr. Warshaw. It
20 has gone awfully well.

21 JUDGE STEINBERG: Why don't you say it has gone
22 awfully fast?

23 MR. NAFTALIN: Okay. It has gone awfully fast.
24 That is what I meant. I am sorry.

25 THE WITNESS: Sorry it's going so well.

1 MR. NAFTALIN: At this point in the hearing, to
2 me, Mr. Warshaw, fast and well are the same thing.
3 Seriously.

4 BY MR. NAFTALIN:

5 Q Have you discussed the substance of either Mr.
6 Luna's testimony or Mr. Gaghan's testimony with either one
7 or both of these gentlemen, since your deposition was taken
8 July 30, 1997?

9 A No.

10 Q At no time you have discussed the substance of
11 either your testimony with them or their testimony with you?

12 A That is correct.

13 Q To your knowledge, have they ever had an
14 opportunity to review the direct case exhibits of Gerard A.
15 Turro, which have been produced in this case?

16 A Not to my knowledge.

17 MR. NAFTALIN: Thank you, Mr. Warshaw. That
18 concludes it, Your Honor.

19 JUDGE STEINBERG: Now, you did not ask for Mr.
20 Warshaw. Do you want to ask any questions anyway?

21 MR. RILEY: I have one question I would like to
22 ask Mr. Warshaw, but only one.

23 BY MR. RILEY:

24 Q Mr. Warshaw, I do not know whether you have the
25 Mass Media Bureau Exhibits there. Is that what that binder

1 is?

2 A Yes.

3 Q Could you look at Exhibit 2? It is Page 48.

4 A I can find it. I can find Page 48 any time.

5 Q If you are at the page I am looking at, your
6 declaration, Mr. Warshaw, is February 7, 1995?

7 A Yes.

8 Q On that date, you declare, under penalty of
9 perjury, that that was true and correct. Is it still your
10 view that what is in that declaration is true and correct?

11 A It is.

12 MR. RILEY: That is my only question, Your Honor.

13 JUDGE STEINBERG: Mr. Helmick, do you want to take
14 a few minutes?

15 MR. HELMICK: Take a few minutes, Your Honor.

16 JUDGE STEINBERG: Why don't we come back at 3:10?
17 (Whereupon, a short recess was taken.)

18 JUDGE STEINBERG: We are back on the record. I
19 forget to ask the Bureau if they had any examination of Mr.
20 Warshaw.

21 MR. ARONOWITZ: A couple of quick questions.

22 CROSS-EXAMINATION

23 BY MR. ARONOWITZ:

24 Q Mr. Warshaw, my name is Alan Aronowitz. I know
25 that we just briefly met, but I wanted to inform you that I

1 am here as counsel for the Federal Communications
2 Commission. And I want to ask you just a couple of quick
3 questions.

4 I believe you testified that in response to some
5 of Mr. Naftalin's questions, that you wanted Jukebox Radio
6 shut down?

7 A Yes.

8 Q Could you explain to us why you wanted Jukebox
9 Radio shut down?

10 A Jukebox is an illegal operation. They're breaking
11 the law.

12 Q Did that form the basis of your belief that they
13 should be shut down?

14 A Oh, yes.

15 Q If it were determined that Jukebox Radio was
16 complying with the rules, would you still want it shut down?

17 A No. Why would I have to have it shut down if
18 they're legal?

19 Q Mr. Naftalin asked you whether you asked your
20 consulting engineers to prove whether the Jukebox Radio
21 programs were originating in Dumont. Is that correct?

22 A Yes.

23 Q Prior to retaining the consulting engineers, had
24 you formed an opinion with respect to whether Jukebox Radio
25 programming was originating in Dumont?

1 A They were already working for us on another
2 matter.

3 Q Right.

4 A When I brought this matter up to them, they had
5 already been our engineers, you know -- They were working on
6 our station in general. So -- But when I became convinced
7 that they were operating illegally, I called the engineers
8 to verify that the law was being broken.

9 Q So, in --

10 JUDGE STEINBERG: Let me just clarify. When you
11 said, they were working for you on another matter --

12 THE WITNESS: Yes.

13 JUDGE STEINBERG: Do you mean the engineers?

14 THE WITNESS: Yes.

15 JUDGE STEINBERG: Okay. So, the engineers were
16 working for you on another matter. Then, you became
17 convinced that Jukebox Radio was operating illegally?

18 THE WITNESS: Yes.

19 JUDGE STEINBERG: At that point, you asked the
20 engineers to look into it?

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: Okay. There were a lot of
23 "theys" in that answer, and it was not clear who the "theys"
24 were.

25

1 BY MR. ARONOWITZ:

2 Q It is safe to say, just so I understand it, that
3 you had formed an opinion, and you wanted the consulting
4 engineers to verify whether that opinion was correct or not?

5 A That is correct.

6 Q And you did not file your Complaint at the FCC
7 until you had some verification. Is that correct?

8 A That's correct.

9 Q With respect to Mr. Luna and Mr. Gaghan, Mr.
10 Naftalin asked you if you asked them to write statements.

11 MR. NAFTALIN: Objection, Your Honor. I think
12 that mischaracterizes the exact nature of the questioning.

13 MR. ARONOWITZ: Okay.

14 JUDGE STEINBERG: Well, try again.

15 BY MR. ARONOWITZ:

16 Q I believe, with all my heart --

17 A Okay.

18 Q -- that you were asked earlier by Mr. Naftalin,
19 whether you suggested that Mr. Luna or Mr. Gaghan prepare
20 statements in August of 1995. Is that correct?

21 A I believe that's correct.

22 Q I believe Mr. Naftalin asked you if you made some
23 suggestions. Is that correct?

24 A Yes.

25 Q And you answered that you suggested the penalty of

1 perjury provision.

2 A That's correct.

3 Q And that they also include information with
4 respect to the double line --

5 A The switch.

6 Q Excuse me. The switch.

7 JUDGE STEINBERG: Wait. The question as to the
8 switch went only to Gaghan's statement. Not both of them.
9 I think that is what the answer was. Whatever the record --

10 MR. NAFTALIN: Whatever it is, it is.

11 MR. ARONOWITZ: Whatever the record says, it says.
12 And I am not looking to probe that area again. I truly am
13 not.

14 BY MR. ARONOWITZ:

15 Q Did you suggest to either Mr. Luna or Mr. Gaghan
16 that their statement be truthful?

17 A Yes, of course.

18 Q Did you ask them to include matters that you knew
19 not to be true in that statement?

20 A I did not ask them to include anything that was
21 not true.

22 MR. ARONOWITZ: That is all the questions I have,
23 Your Honor.

24 JUDGE STEINBERG: Mr. Helmick?

25

1 BY MR. HELMICK:

2 Q Mr. Warshaw, have you had any contacts with the
3 FCC staff regarding this Complaint that you filed?

4 A Yes.

5 Q When were those contacts, approximately?

6 A Sometime in the middle of 1995, after the
7 Complaint was put in.

8 Q What was the purpose of your meeting with the
9 Commission staff at the time?

10 A Well, I went -- My son, my wife and I went to
11 Washington against the advice of counsel, and we discussed
12 our complaints in a hopefully, diplomatic way with members
13 of the Commission staff, Mr. Waysdorf, Mr. Barone and
14 eventually, Mr. Goldstein. We felt that action was not
15 being taken quickly enough. The action that we were looking
16 for was an inspection of WJUX, Dumont Mountaintop facilities
17 and the Ft. Lee transmitter.

18 And at later dates, any other contact that I had,
19 I called Mr. Barone, was to further push the staff into
20 moving a little faster, or moving, period.

21 Q Mr. Warshaw, do you recall in the Complaint that
22 was filed with the Commission, whether there was any
23 material relating to Jukebox Radio rates and promotional
24 materials?

25 MR. NAFTALIN: Objection, Your Honor. He was not

1 examined on this point.

2 MR. HELMICK: I asked him where he got the
3 materials.

4 MR. NAFTALIN: What does that have to do with
5 direct exam?

6 MR. RILEY: It has nothing to do with the direct.

7 JUDGE STEINBERG: It is beyond the scope of the
8 direct.

9 MR. HELMICK: All right. Fair enough. I am
10 through, Your Honor.

11 JUDGE STEINBERG: Any redirect?

12 MR. NAFTALIN: No.

13 JUDGE STEINBERG: Do you want to think about that?
14 Any redirect, Mr. Riley?

15 MR. RILEY: No, I have nothing.

16 JUDGE STEINBERG: Do you want to take a couple
17 minutes? I can ask a couple of questions.

18 MR. NAFTALIN: That would be great, Your Honor.

19 JUDGE STEINBERG: The broadcast industry job that
20 Mr. Luna and Mr. Gaghan had before they started working for
21 you was with Mr. Turro. Is that correct?

22 THE WITNESS: Ah, yes.

23 JUDGE STEINBERG: Did that fact have any influence
24 on your hiring them?

25 THE WITNESS: With Mr. Gaghan, it was a question

1 of policy. We had a chance to hire a professional program
2 director at a much higher salary than what we were used to
3 paying for that function. And it took us a while to think
4 about it, but we decided to use the opportunity, especially,
5 you know, that he was familiar with the market.

6 JUDGE STEINBERG: Did the fact that he worked for
7 Mr. Turro have any influence on your hiring him?

8 THE WITNESS: No.

9 JUDGE STEINBERG: You did not think that by hiring
10 him, you might get the lowdown on what Mr. Turro was doing?

11 THE WITNESS: Quite to the contrary. We were very
12 concerned that he might be a spy, or you know, some kind of
13 Trojan horse. And it took us a long time to finally, you
14 know, get rid of that fear.

15 JUDGE STEINBERG: It took until August of 1995.

16 THE WITNESS: I think we sat on it for six weeks.

17 JUDGE STEINBERG: Sat on what?

18 THE WITNESS: The decision as to whether to hire
19 him or not.

20 JUDGE STEINBERG: The same thing with Mr. Luna.
21 Did the fact that Mr. Luna worked for Mr. Turro, have any
22 influence on your decision to hire him?

23 THE WITNESS: No. He was unemployed when we hired
24 him. He had been let go or quit, I don't know which, from
25 Jukebox.

1 JUDGE STEINBERG: Oh.

2 THE WITNESS: And he had not been working for some
3 time. I don't know how long.

4 JUDGE STEINBERG: Did you think that by hiring Mr.
5 Luna, you would have some source of information about Mr.
6 Turro's operation?

7 THE WITNESS: I anticipated no advantage
8 whatsoever.

9 JUDGE STEINBERG: Did either Mr. Gaghan or Mr.
10 Luna come to you and say, in effect, "If you hire us, we
11 will tell you all about what Jerry Turro's doing?"

12 THE WITNESS: No.

13 REDIRECT EXAMINATION

14 BY MR. NAFTALIN:

15 Q Let me just follow that one question. Mr.
16 Warshaw, on May 5, 1995, you, your wife, your son and your
17 general manager at the time, Ron Lustberg, interviewed Mr.
18 Gaghan. Isn't that right?

19 A Yeah.

20 Q And the four of you, in fact, executed --

21 A I'm going to give you the same thing about the
22 dates.

23 Q On or about May 5, 1995.

24 A We interviewed him. Yes.

25 Q And the four of you signed a brief statement about

1 that interview, which was produced during the course of this
2 proceeding. Isn't that right?

3 A Yes.

4 Q That statement indicates that you, in fact, asked
5 Mr. Gaghan questions about his knowledge of what was going
6 on at Jukebox Radio at the time. Isn't that right, sir?

7 A We didn't ask him any questions. He volunteered
8 some information.

9 Q During the course of the conversation, he told you
10 things about Jukebox Radio?

11 A Yes.

12 Q And he was employed at Jukebox Radio at the time
13 he met with you. Isn't that right?

14 A I don't remember. I don't remember whether he was
15 employed or not. I know that Jukebox had interviewed our
16 program director at that time. And Mr. Gaghan knew about
17 it.

18 Q One other question, Mr. Warshaw.

19 JUDGE STEINBERG: I guess you get theirs, and they
20 get yours.

21 BY MR. NAFTALIN:

22 Q If it turns out that the way the Ft. Lee
23 translator receives Jukebox Radio programming is by
24 receiving it off the air from the Pomona translator, and
25 that the Pomona translator is receiving Jukebox Radio

1 programming by receipt off the air from the Monticello
2 station down there in Sullivan County, that would make the
3 operation of the Ft. Lee translator a legal operation.
4 Wouldn't it?

5 MR. ARONOWITZ: Objection.

6 MR. HELMICK: Objection, Your Honor. It has not
7 been asked on cross.

8 MR. ARONOWITZ: Moreover --

9 MR. HELMICK: He is asking for a legal conclusion,
10 as well.

11 MR. ARONOWITZ: Moreover, there are no dates on
12 this.

13 JUDGE STEINBERG: The dates do not matter. But
14 Mr. Aronowitz asked a question, "Why do you want Jukebox
15 Radio shut down?" And the answer was, "It is an illegal
16 operation. They should be shut down." The next question
17 was, "If they were operating legally, should they be shut
18 down?" The answer was no. It goes to that.

19 MR. NAFTALIN: It is the same question.

20 JUDGE STEINBERG: It goes to that, except we are
21 being more specific. Trust me. You are not an attorney,
22 are you?

23 THE WITNESS: No.

24 JUDGE STEINBERG: Mr. Warshaw's answer or opinion
25 will be considered as the opinion of Mr. Warshaw, not as any